

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2080 OF 2007

Standard Industries Ltd.

..Petitioner

Vs.

The Union of India & Ors.

..Respondents

Mr.P.Shah i/b. PDS Legal for the Petitioner.

Mr.P.S.Jetly with R.C.Master for the Respondents.

**CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.**

DATE : 28TH MARCH, 2007

P.C.

1. Heard the learned Counsel for the parties.

Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing.

2. By this Petition, the Petitioner is challenging the order dated 18th September,2006 whereby the CESTAT had declined to clarify and had rejected the Miscellaneous Application for reconsideration with regard to the rectification of mistake in its earlier order dated 21st December,2005. The main contention of the learned Counsel for the Petitioner is that the said order dated 21st December,2005 does not clarify that either the duty demand of Rs.3,29,052/- has been set aside or not. The order only sets aside the confiscation and

penalty. There is nothing in the order to make it clear that the said duty demand also has been set aside. The learned Counsel for the Respondents Mr.Jetly states that by reading paragraph No.2 it should be inferred that the duty demand has been set aside. In any event, the issue has to be clarified by the CESTAT.

3. Under these circumstances, we set aside the order dated 18th September,2006 passed by the CESTAT and remand back the same to clarify that whether duty demand has been set aside or not vide its order dated 21st December,2005.

4. Rule is accordingly made absolute in terms of the above.

(V.C.DAGA,J.)

(DR.S.RADHAKRISHNAN,J.)